UNITED NATIONS

CRC

Convention on the Rights of the Child

Distr.
GENERAL

CRC/C/15/Add.132
16 October 2000

Original: ENGLISH

COMMITTEE ON THE RIGHTS OF THE CHILD

. wenty-fifth session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 44 OF THE CONVENTION

Concluding observations of the Committee on the Rights of the Child: Finland

1. The Committee considered the second periodic report of Finland (CRC/C/70/Add.3), submitted on 18 November 1998, in its 643rd and 644th meetings (see CRC/C/SR.643 and 644), held on 19 September 2000, and adopted* the following concluding observations.

A. Introduction

2. The Committee welcomes the timely submission of the State party's second periodic report, the additional information provided and the written answers to the list of issues (CRC/C/Q/FIN/2) submitted by the State party. The Committee notes with appreciation the constructive efforts made by the delegation to provide additional information in the course of the dialogue.

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* At the 669th meeting, held on 6 October 2000.

B. Follow-up measures undertaken and progress achieved by the State party

3. The Committee commends the State party for its overall progress in implementing the Convention on the Rights of the Child and reiterates its satisfaction at the comprehensive social security system and the wide range of welfare services for the benefit of children and their parents, in particular free health care, free education, extended maternity leave, parental leave for both the mother and father, and an extensive day-care system (see CRC/C/15/Add.53, para. 3). It also welcomes the efforts of the State party to reduce the impact on children of the economic recession of the first half of the 1990s and the fact that the basis for determining the welfare of children has been maintained.

4. The Committee welcomes the recent adoption of new laws, as well amendments to domestic legislation to bring it into conformity with the principles and provisions of the Convention. It takes note in particular of the government law on criminalization of the purchase of sexual services from minors and possession of child pornographic material, and the amendment to the Penal Code regarding sex tourism which criminalizes offences of sexual abuse committed abroad by Finnish citizens, as recommended in the Committee's previous concluding observations (see CRC/C/15/Add.53, para. 29); the revised Alien's Code of 1999 which aims at facilitating family reunification; and the law promoting the integration of immigrants into society and establishing procedures for receiving asylum-seekers. The Committee also welcomes the fact that the Ministry of Social Affairs and Health has prepared a national programme to prevent the commercial sexual exploitation of children.

5. The Committee welcomes the establishment in 1998 of an Assistant Parliamentary Ombudsperson on child issues with the task of supervising the implementation of the rights of children within the country.

6. The Committee notes with appreciation that in 1997 the Government issued policy guidelines for promoting tolerance and combating racism. It also takes note of the activities promoting the health and welfare of ethnic minorities within the Government's national programme for the organization of social welfare and health care services for 1998-2001, that immigrant children enjoy equal access to education and that measures have been taken to facilitate teaching in the immigrants' own languages.

7. The Committee welcomes the national equalization system for child welfare, which improves children's access to appropriate services when needed, irrespective of the economic situation of the municipality. It also notes with appreciation that the Association of Finnish Local and Regional Authorities adopted in January 2000 a programme on child policy with the aim of promoting the implementation of the Convention on the Rights of the Child in the municipalities. In addition, it takes note with satisfaction of the action programme for social welfare and health, which takes into consideration, inter alia, the issue of mental problems affecting children and young people.

8. The Committee commends Finland for being one of the first countries to ratify ILO Convention No.182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour and that it is one of the major donors to the ILO International Programme for the Elimination of Child Labour (IPEC).

9. The Committee welcomes Finland's signature of the two Optional Protocols to the Convention on the Rights of the Child on 7 September 2000 during the Millennium Summit Treaty Event held at United Nations Headquarters and takes note of the fact that the State party is taking measures in order to ratify the Optimal Protocols in the spring of 2001.

C. Factors and difficulties impeding further progress

10. The delegation of responsibilities to local and regional authorities may enhance the involvement of local communities but, at the same time, it seems to hamper the full and equal implementation of the principles and provisions of the Convention owing to local and regional differences in its interpretation, its application and budgetary allocations.

D. Principal subjects of concern

1. General measures of implementation

Coordination

11. The Committee remains concerned at the absence of a focal point for children within the Government and of mechanisms, both at the central and local levels, for coordinating visionary policies relating to children and for monitoring the implementation of the Convention (see CRC/C/15/Add.53, para. 11).

12. The Committee encourages the State party to consider taking further steps to establish a focal point for children within the Government and coordination mechanisms between the various ministries, as well as between central and local authorities, in order to establish a better coordinated policy and action for the realization of children's rights.

Implementation at local level

13. The Committee notes that, owing to the extensive decentralization of decision-making, administration and delivery of services in the State party, there is a significant delegation of powers from the central level to the municipalities. However, not all the municipalities provide the same level of social policies and services for the most vulnerable groups in society, in particular poor families, single-parent families, and disabled, refugee and minority children.

14. The Committee recommends that the State party undertake an evaluation of the implementation of all aspects of the Convention by municipal authorities and that every effort be made to ensure that the Convention is effectively implemented at municipal level. It also reiterates its recommendation to establish an integrated monitoring system or mechanism to ensure that children in all municipalities benefit to the same extent from basic social services (see CRC/C/15/Add.53, para. 23).

Budgetary allocations

15. The Committee is concerned that the extent and standard of welfare services provided by local authorities to low-income families or families with children with disabilities is unequal in

the various municipalities across the country, partly as a result of significant differences in the financial resources available to the municipal authorities, in the priorities set by those authorities and in the systems used to assess needs and grant assistance. These disparities have the effect of providing either unequal access to or different levels of welfare assistance to children, particularly those with disabilities, depending on where in the country they reside.

16. The Committee urges the State party to consider ways to guarantee all children equal access to the same standard of services, irrespective of where they live, for example by establishing nationwide minimum standards and allocations of resources for the implementation of the Convention's provisions, in particular in the areas of health, education and other social welfare services, and in conformity with article 2.

Data collection

17. While acknowledging new initiatives in the compilation of statistics, such as the 1998 report on child statistics in Finland and a special report in 2000 on the living conditions of children which in an innovative way examines Finnish society from the child's point of view, the Committee notes that a regular and large-scale collection and analysis of data and indicators on children's issues needs to be further developed in order to assess the extent to which the Convention has been implemented, in particular at the local level.

18. The Committee recommends that the State party continue developing a comprehensive system of data collection consistent with the Convention. This system should cover all children up to the age of 18 years, with specific emphasis on those who are particularly vulnerable, including child victims of abuse or ill-treatment; children with disabilities; children from low-income families; children in conflict with the law; and immigrant and minority children. It further encourages the State party to use indicators and data in the formulation of policies and programmes for the effective implementation and monitoring of the Convention.

Ombudsperson

19. Although an Assistant Parliamentary Ombudsman has been appointed to supervise the implementation of children's rights, the Committee takes note that discussions on the establishment of a national ombudsperson continue and that the State party shall make final decisions in that regard based on the experience with the Assistant Parliamentary Ombudsman.

20. The Committee invites the State party to seriously consider the establishment of an independent national ombudsperson for children, taking into account the positive experiences in other Nordic countries, and not to let purely financial considerations determine the decision.

Dissemination of the principles and provisions of the Convention

21. While noting the efforts of the State party in disseminating information about the Convention, including the publication in the Sami language of the text of the Convention, the Committee expresses its concern that the principles and provisions of the Convention are not

disseminated at all levels of society. In addition, the Committee notes that the training and retraining of professionals working with and for children is not systematic.

22. The Committee recommends that the State party develop more creative methods to promote the Convention, including through visual aids such as picture books and posters, and that it incorporate the Convention in the school curriculum. It further encourages the State party to consider translating the Convention into the Roma language and into other minority languages and making the Convention available in the languages of the main immigrant groups. The Committee also recommends further systematic training and/or sensitization of professional groups working with and for children, such as judges, lawyers, law enforcement personnel, teachers, school administrators and health personnel, with a particular focus on municipal board members and authorities.

2. General principles

General principles

23. The Committee notes that the State party has made efforts to include the principles of the best interests of the child and the right of the child to be heard in recent revisions to leglislation, such as the Act on the status and rights of persons using social welfare services.

24. The Committee invites the State party to continue to take all necessary measures to better reflect in its legislation and its policies the general principles of the Convention, in particular non-discrimination (art. 2), the best interests of the child (art. 3), the right to development (art. 6) and respect for the views of the child (art. 12).

Best interests of the child

25. While acknowledging the State party's significant efforts to respect the principle of best interests of the child, the Committee is concerned that municipal authorities in particular do not always take this principle into full consideration and, further, that the best interests of unaccompanied child asylum-seekers and refugees are not always a primary consideration.

26. In light of article 3 of the Convention, the Committee recommends that the State party consider the full implications of the principle of best interests in the context of the above situations and that further efforts be made to ensure that this principle is a primary consideration in all decisions affecting children.

Right to development

27. With regard to article 6 of the Convention, the Committee notes that in the State party's report there is no explicit reference to the State party's implementation of the right to development.

28. The Committee encourages the State party to review its plans of action, strategies, policies and programmes from the perspective of the right of each child to physical, mental, spiritual, moral, psychological and social development.

The right of the child to be heard

29. The Committee expresses its concern that the views of children, in particular those below 12 years of age, are not always taken into full consideration, especially in child custody cases and access disputes taken to court.

30. The Committee recommends that the State party make sure that the views of children under 12 years of age who are affected by a judicial proceeding are always heard, if they are considered to be mature enough, and that this takes place in a child-friendly environment. It also recommends that the State party undertake a regular review of the extent to which children's views are taken into consideration and of their impact on policy-making and court decisions, programme implementation and on children themselves.

3. Civil rights and freedoms

Child participation

31. While acknowledging the participation of students at the upper secondary level, the Committee is concerned that not enough attention is paid to the participation of children in, inter alia, education at the primary and lower secondary level.

32. Noting the activities of the Government related to the participatory rights of children in education at those levels, the Committee encourages the State party to take effective measures to enhance children's participation in, inter alia, educational activities concerning them.

4. Family environment and alternative care

Separation from parents

33. The Committee expresses serious concern about the considerable decrease in the net income of families with children caused by both high unemployment rates and budgetary measures that negatively affect child-related allowances.

34. The Committee, taking into account recent improvements in the economy of the State party, strongly recommends that the State party allocate more funds to families with children and develop effective measures to provide those families with appropriate support in order to avoid, among other things, the placement of children in foster care or institutions.

35. The Committee notes with concern the increasing number of children placed outside their families in recent years.

36. The Committee recommends that the State party take all necessary measures to ensure that children are placed outside their family only when it is evidently in the best interests of the children and for the shortest period possible.

Family reunification

37. While noting the Act on the Integration of Immigrants and Reception of Asylum-seekers of 1999 which introduces some reforms in the way unaccompanied children seeking asylum are received, the Committee is concerned at the fact that the process of family reunification is still very long and that this could have a negative impact on the children involved.

38. The Committee encourages the State party to examine the reasons for the delays in the procedures for processing asylum applications and for the settlement of children, with a view to shortening them.

Abuse and neglect

39. Although the State party was the second State in the world to prohibit all corporal punishment of children in the family in its Child Custody and Rights of Access Act of 1983, the Committee is concerned at the number of cases of violence against children, including sexual abuse in their homes. It also regrets the lack of information on this phenomenon.

40. The Committee recommends that the State party consider taking additional measures to prevent and, where this has not been possible, to identify in a timely manner instances of violence against children within families, to intervene at an early stage, and to develop child-friendly programmes and services for prevention, treatment and rehabilitation with personnel specially trained to work with children.

5. Basic health and welfare

Children with chronic illnesses

41. The Committee notes with concern that families with chronically ill children do not always have enough support, both at the personnel and the financial level.

42. Recognizing the State party's efforts to ensure the rights of children with disabilities, the Committee recommends that the State party continue its efforts to provide equal support and assistance to all families with chronically ill children including the help of specialized staff.

Children in hospital

43. The Committee is concerned at the fact that a number of children's wards have been closed or are threatened with closure because of cost-saving measures and that children are cared for in adult wards, sometimes even in the same room as adults.

44. The Committee, noting the recent appeal to the regional authorities to monitor the situation, recommends that the State party take effective measures to ensure appropriate care for children in hospitals in compliance with the Charter for Children in Hospital of the European Association for Children in Hospital (EACH).

Mental health services

45. The Committee, while acknowledging the additional funds allocated in order to provide government support to psychiatric services, in particular child and youth psychiatry, reiterates its concern that mentally ill children are institutionalized in the same facilities as adults (see CRC/C/15/Add.53, para. 16). Further, it joins the State party in expressing concern at the long waiting list for and delayed access to mental health services and professionals for children because of an insufficient number of psychologists and psychiatrists.

46. The Committee encourages the State party to address the shortage of child psychiatrists and psychologists, in particular in the northern and eastern parts of Finland and in small municipalities with fewer resources, in order to provide children with more timely access to mental health services and to prevent the institutionalization of mentally ill children with adults.

Child care services and facilities

47. The Committee notes with appreciation that municipalities provide the services of mother and child welfare clinics but is concerned at the differences between municipalities in the organization of and provision of resources to these clinics.

48. The Committee recommends that the State party ensure that children in all municipalities benefit to the same extent from the services provided by the mother and child clinics.

6. Education, leisure and cultural activities

Right to education

49. The Committee joins the State party in expressing concern at the lay-off of teachers in some municipalities due to economic factors, which may have an adverse effect on teaching and on the quality of education.

50. The Committee recommends that the State party implement the revised school legislation in order to ensure equality between the different regions of the country and between the various schools and educational establishments.

7. Special protection measures

Unaccompanied, asylum-seeking and refugee children

51. The Committee is concerned that unaccompanied minors applying for asylum are interviewed in the same way as adults. Further, while noting with appreciation the establishment of a system of representation for unaccompanied minors applying for asylum, it expresses its concern that not enough efforts have been undertaken to ensure adequate resources and training

for the representatives of unaccompanied minors applying for asylum. It also appears that education for refugee children in their language is available only in those municipalities which can provide sufficient resources.

52. The Committee recommends that the State party ensure adequate resources for the training of the officials who receive refugee children, in particular in child-interviewing techniques, and of the representatives of unaccompanied minors applying for asylum. It also encourages the State party to consider measures through which asylum-seeking and refugee children can be granted equal access to the same standard of services, in particular education, irrespective of who they are and where they live.

53. The Committee notes with concern the number of asylum-seeking and refugee children coming from areas affected by war and who may have been victims of traumatic experiences.

54. The Committee recommends that the State party ensure that every effort is made to identify children who require special support upon their arrival in the State party, as well as consider providing adequate psychological assistance to them and their parents.

Substance abuse

55. The Committee is concerned by the reported increase in the use of drugs, in particular heavy drugs, as well as abuse of alcohol and tobacco among adolescents in the State party. Further, it notes that the present child welfare service system is unable to deal with the growing need for services.

56. The Committee notes with appreciation the Decision-in-Principle on Drug Policy of 1999 and encourages the State party to empower positive cultural changes and to pursue its awareness-raising and preventive measures, including drug education in schools. It further recommends that the State party allocate more resources to the child welfare service system for treatment therapies and rehabilitation services specifically tailored for children.

Sexual exploitation

57. While appreciating the review of legislation and other measures undertaken by the State party to improve the protection of children from sexual exploitation, in line with the recommendation of the Committee (see CRC/C/15/Add.53, paras. 19 and 29), the Committee notes with deep concern the phenomenon of Finnish child sex tourists travelling to the nearby countries of the former Soviet Union seeking child prostitutes.

58. The Committee urges the State party to undertake adequate measures to combat this phenomenon and to pursue international cooperation for the investigation and the prosecution of cases of sexual abuse and exploitation of children by Finnish citizens abroad.

Children belonging to a minority or an indigenous group

59. The Committee reiterates its concern at the high rates of school drop-outs among Roma children (see CRC/C/15/Add.53, para. 18).

60. The Committee notes the measures undertaken by the State party to develop special education and prevent social exclusion, such as strengthening the status of the Roma language in school teaching, developing teaching material in the Roma language and training teachers, and recommends they be implemented. It requests the State party to continue its efforts in this area and to provide information on the impact of these measures on Roma children in the next periodic report to the Committee

Dissemination of the State party report

61. Finally, in light of article 44, paragraph 6, of the Convention, the Committee recommends that the second periodic report, the list of issues raised by the Committee and the written replies submitted by the State party be made widely available to the public at large and that the publication of the report be considered, along with the relevant summary records and concluding observations adopted thereon by the Committee. Such a document should be widely distributed in order to generate debate and awareness of the Convention, its implementation and monitoring within the Government, the Parliament and the general public, including concerned non-governmental organizations.